



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MAYER=13

In re Application of:)	Conf. No.: 5737
)	
Pascal MAYER et al)	Art Unit: 1634
)	
Appln. No.: 09/402,277)	Examiner: F. Lu
)	
Filed: September 30, 1999)	Washington, D.C.
)	
For: METHOD OF NUCLEIC ACID)	January 23, 2004
AMPLIFICATION)	

REQUEST FOR CORRECTION OF NOTICE OF ABANDONMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

On January 2, 2003, an official action was issued in this case. On June 2, 2003, a continuation application was filed claiming benefit of the above-identified application, which continuation application has received application no. 10/449,010. On the same date, a paper entitled "Response in Parent Case in Support of Petition and Fee for Extension of Time when Filing New Application Claiming Benefit of a Prior Filing" was filed in the above-identified application. The continuation application was treated as a reply to the final rejection, and the two-month extension of time was petitioned and paid for. This paper further included a paragraph

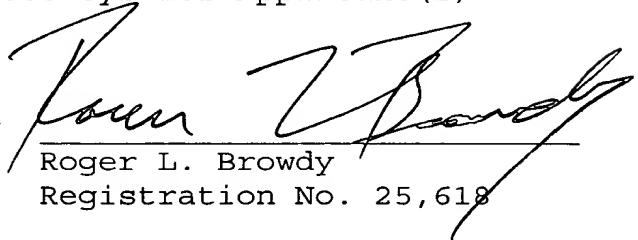
expressly abandoning the above-identified case, but not the invention therein.

In the notice of abandonment of November 13, 2003, the examiner checked box 1(d). However, from the above recitation of facts, it is clear that box 5 should have been checked, as the application was abandoned in view of the letter of express abandonment filed in this case on June 2, 2003, which is signed by an attorney upon the filing of a continuing application.

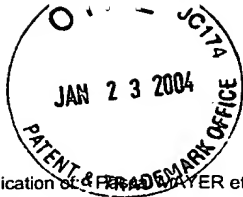
Please correct the record in this regard.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Roger L. Browdy
Registration No. 25,618

RLB:gkw
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\M\Mant\Mayer13\Pto\ReqForCorrNOA.doc



Image

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of ~~FRANK MAYER~~ et al

Application No.: 09/402,277

Conf. No. 5737

Filed: September 30, 1999

For: METHOD OF NUCLEIC ACID AMPLIFICATION

Art Unit: 1634

Examiner: F. Lu

Washington, D.C.

Atty.'s Docket: MAYER=13

Date: January 23, 2004

THE COMMISSIONER OF PATENTS
2011 South Clark Place, Mail Stop Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is a ☐ Amendment ☒ Request for Correction of Notice of Abandonment
in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 9	\$		x 18	\$
INDEP.	*	MINUS	*** 3	0	x 43	\$		x 86	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 145	\$		+ 290	\$
					ADDITIONAL FEE TOTAL			TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00
☐ Second - \$ 210.00
☐ Third - \$ 475.00
☐ Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00
☐ Second - \$ 420.00
☐ Third - \$ 950.00
☐ Fourth - \$ 1480.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

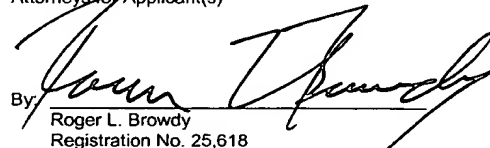
☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: 
Roger L. Browdy
Registration No. 25,618

Facsimile: (202) 737-3528
Telephone: (202) 628-5197